

The Good, the Bad and the Non-Billable: The Reality of Coaching Lawyers

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I love coaching lawyers because they tend to be smart, passionate about justice and generally receptive to logic and direct feedback. The following is my perspective on what makes lawyers different from many other professionals and how I approach coaching them. Though, first, I think it is important to emphasize the range of people in the legal profession. When people think about lawyers they often have an image of a smart, highly paid, aggressively adversarial courtroom litigator; but the reality is much more varied. Few lawyers spend much, if any, time in court. Many have quiet, understated personalities. Nonetheless, there are numerous characteristics common among lawyers and among law firms, which, as a coach, present both opportunities and challenges. In this article, I will focus on just three areas and how I approached them in my coaching practice.

Trained for one thing, then expected to do another.

American lawyers typically spend years working long hours, researching, writing, learning all the details of some very specialized area of law, becoming a true expert in that area; and then suddenly the requirements change and they are expected to switch gears and learn how to sell themselves and bring in their own clients. This would be challenging regardless of the profession, but for lawyers it is particularly difficult because the skills and mindset required to find and retain new clients differ completely from, and in some ways are diametrically opposed to, those needed to be an excellent attorney.

Lawyers are paid to be exceedingly detail oriented, never make mistakes, select the perfect words, find clever exceptions to rules, etc. The focus is on anticipating and protecting against problems. Performing the job as perfectly as possible is the way lawyers keep themselves and their clients safe. Yet, the perfectionism that is a core

value of the legal profession is in opposition to qualities that make someone great at marketing and business development. Business development is about building relationships, connecting with people, listening to them and helping them find solutions. If you are always trying to be perfect, it is a lot harder to listen well and create the authenticity and connection that are at the core of close human relationships.

Similarly, marketing is essentially trial and error. There are some things for which brainpower alone does not suffice, and marketing is one of them. It's like predicting the weather. There are so many factors that contribute to whether a particular message will resonate with people that it is impossible to be certain without giving it a shot. As they say in the tech industry, the key to success is not to never fail, but rather to "fail fast." This concept does not sit well with lawyers. A commitment to high quality is wonderful and serves the lawyers, their clients and society well in many ways, but NOT when it comes to marketing their services. As a result, most lawyers find transition from an associate to partner mindset extremely difficult. Nonetheless, in order for a lawyer to have a successful private practice, he must find a way to generate business. The more clients a lawyer has, the more money he will make, the more power within the firm and choices he will have.

My approach to coaching on business development

For years, I was aware that coaching lawyers on business development would be a sensible niche; and yet, I resisted marketing myself that way. First of all, I was trained as an ontological coach. I love focusing on deeper levels of inquiry, and the idea of constantly discussing how to have sales conversations seemed both painfully dull and well outside my expertise. In recent years, though, I have shifted my perspective.

First of all, I found a passion for this niche. I realized that lawyers really need the kind of assistance that I can provide, I got in touch with the qualities that make these clients great, and I became present to the larger value for society in serving these

clients. There are many lawyers out there who are very kind, caring and committed to excellence. They want to be good bosses, serve their clients well and make a difference in their communities. Yet, these kinder, gentler, scrupulously honest lawyers are often the ones who have the most trouble with business development. They don't even like the word sales because they think it connotes manipulation and taking advantage of people. These are the type of high-integrity, well-intentioned people whom we want to see in leadership positions in the law and in society at large. Once I found that I really liked and cared about these people, it became a lot easier to focus on this niche.

Second, I discovered that I **can** do the deeper level coaching that I love with these lawyers. It often just takes a little while to build up to it. Before I started working with this niche, most of the clients I attracted were already interested in creating insights and breakthroughs. From our first coaching session, they were already on board with personal exploration. Many of the lawyers I work with take some time to warm up to this type of inquiry. For example, a client may be trying to create a reputation in a specific area of the law and wants help with messaging. Our first few conversations will likely be fairly technical, writing an elevator pitch, figuring out how to approach potential clients or referral partners, evaluating the content of a website, etc. Although, to my way of thinking, much of this isn't really coaching, I have learned that it is a way for me to develop trust and credibility with the client. Their marketing efforts start yielding better results, and I am their partner in that process. Within a few sessions, we can often begin to address more fundamental issues like the context with which they view the world and how that is getting in their way.

Sometimes, though, it can take a lot longer to address the deeper issues. Sylvia* provides an example. She is the managing partner of a boutique international law firm. The majority of lawyers in small firms work on individual or small business issues, but in her case, she works with large multinational companies. I started working with her two years after she started the firm. She had a beautiful, elegant

office space, a couple good associates and was trying to figure out how to expand. In our first session, we designed a project plan focused on getting her listed in the Legal 500, a well-respected website that lists the top law firms around the world. We met weekly and the sessions would generally focus on finding enough time for the project we created, managing staff, and her feelings of anxiety. Once she was able to start moving forward on the project we would also discuss progress, next steps, etc. Although she read books about management, she had no experience with personal growth, so working with underlying assumptions or other deeper level inquiries didn't work very well. So, I followed her lead and let the conversations stay at what I saw as a fairly superficial level, but I also gradually introduced concepts like fact versus interpretation or the importance of authenticity to human connection. Her anxiety was a great access point for such conversations. Sometimes, I would introduce a concept or an exercise, but if she didn't seem receptive I would drop it and try again six months or a year later. We worked together for four years. There were times where I felt like a bad coach because I wasn't making the speed or degree of progress to which I was accustomed, but in her case the slow but steady approach paid off. She now has a thriving practice and a great relationship with the people in her life and most importantly, with herself.

No Time for Anything but Billable Hours

Another challenge lawyers face is a work culture based on the billable hour. Lawyers are among the most stressed out, exhausted and overworked professionals. Many factors contribute to this situation, but the billable hour is among the biggest. Law firms are based on the consultancy model. Lawyers individually analyze each client's unique circumstances and provide individually tailored solutions. This can be a valuable service to clients, but the downside is that there are no economies of scale. The more hours lawyers spend on a matter, the more they get paid. Therefore, unlike in many businesses, efficiency does not lead to greater profitability. Associates are valued almost exclusively based on how many hours they bill per year, assuming of course that their work quality meets certain standards. In this environment, any time that is not spent on billable work is often viewed as a waste

of time. Even when an individual lawyer recognizes the value of spending time on exercise, sleep, improved communication skills, leadership or personal development, he is still swimming against the current since the overall culture devalues anything that is not direct billable hours.

As a result of this obsession with billing and the associated lack of interest in soft skills, the quality of human interaction in law firms is typically much lower than in other businesses. Examples of partners treating their colleagues and staff horribly is not the rule, but is much more common than in most other industries. I don't believe this is due to the innate character of lawyers but rather because lawyers don't have to communicate, cooperate or integrate with others the way they would if it were a different type of business. In a regular commercial business, there is a strong interdependence and reliance on other parts of the organization. If the sales department is not communicating well with customer service or human resources, revenue and profits will be lost. By contrast, partners in law firms don't need each other in the same way. It is common for partners within a firm to have their own little fiefdoms and barely interact with others regarding the substance of their work.

My approach to the billable hour problems

When coaching lawyers, the biggest obstacle likely to make them want to quit is feeling like they don't have enough time. I address this by making sure they have a big goal and that we have agreed upon a rigorous coaching structure up front. Of course, this is valuable for any client, but I find it to be more critically important for lawyers since due to the time constraints, without a goal they are sufficiently invested in, the coaching will quickly fall to the wayside.

Mostly, I deal with the time management issues the same way I would deal with them with any other client. The structure of the profession doesn't change the basic fact that managing staff takes time and focus, but developing this skill pays off tremendously by yielding higher quality work, lower turnover, and reduced anxiety for the lawyer.

To help lawyers address some of the more intractable interoffice communication issues, I offer something that I call partnership coaching. It is essentially a cross between couples counseling, mediation and coaching. It can veer more to one or another modality depending on the relationship between the partners, their desired outcome and the nature of the conflict. For partnership coaching, it is essential that I be perceived as a neutral party, and therefore it doesn't work if I have a preexisting relationship with one partner but not the other. This offers an opportunity to work with other coaches. Regardless of how good we are at coaching people on communication issues, there are times when a facilitated discussion between the parties would serve everyone's interests. Whether another coach calls me in to work with their client or whether I see a need for individual coaching based on the partnership coaching, there are inevitably opportunities to cooperate with other coaches.

Here is an example of how I use partnership coaching. When Josh and Andreas* approached me, they had not been speaking to each other for nearly four months, except in partner meetings. The anger, frustration, confusion and distrust was making them both miserable, and yet they were each unwilling to leave their ten-partner firm. Thus, although neither thought the situation was salvageable, as a last ditch effort they decided to try partnership coaching. After speaking with each of them for about an hour, it was clear to me that the problem could be resolved fairly easily because it centered on a misunderstanding rather than malevolent intent or a fundamental conflict of interest. Ultimately, they were both well intentioned, just unskilled in communication.

Given the nature of the conflict, I elected to use a facilitated dialogue format commonly used in couples counseling. Sometimes lawyers will resist something that seems "touchy feely," but in this case, they were sufficiently desperate for help that they were willing to talk about their feelings. Andres had recently joined the firm, bringing with him the billable hour obsession of his former firm. From that

context, Josh's attempts at friendly conversation seemed deliberately manipulative and like attempts to "pull rank". Once they both understood the other's perspective, we were able to develop some strategies and practices for working together going forward. Last I heard, they were still partners and friends. The amazing thing is that this only took two hours of one-on-one conversations, and two ninety-minute joint sessions. Of course, not all problems can be worked out so quickly, but the thing I love about partnership coaching is how quickly it can improve the clients' quality of life.

Lawyers Feel the Need to be Right and Stay in Control

The final challenge that I will address is the tendency for lawyers to feel the need to be right as a way to stay in control. This comes about, in part, because the law attracts a lot of people with cautious, security-oriented personalities. My favorite college professor used to say that lawyers are like white-collar postal workers. He came from a working class neighborhood where everyone wanted a job with the U.S. Postal Service because it paid relatively well and had job security. He was absolutely correct about lawyers. Many people go to law school because it seems like a safe choice; after all, it's a well-paid, respectable profession that doesn't require much math or passion for a particular subject matter. Thus, the legal profession attracts cautious, sensible people who are also smart enough and academically oriented enough to thrive in an intellectual environment. These traits are admirable and work well in many regards. However, when you combine the typical lawyer's need for stability and control with the tendency to use intelligence, knowledge and being right as the go-to tools for winning in life, you find a lot of lawyers who feel the need to stay in control by anticipating problems and using their big brains to outsmart the people around them.

Virtually everyone, regardless of profession, wants to be correct in their predictions and estimations, as ways to cope with and be successful in the world. However, lawyers approach this from an unusually negative and critical perspective. Martin Seligman, the father of positive psychology, describes the unique challenges of the

legal mind in his book *Authentic Happiness*. He explains that lawyers tend to be pessimistic, meaning that they see “bad events as pervasive, permanent, and uncontrollable” in contrast to optimists who “sees them as local, temporary and changeable.” Pessimism is maladaptive in most professions; in other words, pessimists get worse outcomes than optimists. The field of law is the exception. A pessimistic outlook is helpful in a profession where the goal is to anticipate all the possible things that could go wrong and protect against them. Nonetheless, such an outlook inevitably makes lawyers even more cautious, risk averse and dead set on being as “right” as possible.

My Approach to the Lawyer Personality

So, how does this need to be right and stay in control manifest in my lawyer clients? I find that litigators, in particular, are often very careful and protected in their response to coaching questions. They look at the questions like part of a chess match, trying to figure out where the question is going, what the angle is, etc. They are try to get the “right answer” and the idea of coaching being an inquiry to help them discover answers within themselves is a very foreign concept. Even when I have a wonderful rapport with a client, I find this can occur. My approach is to address it directly. I point it out, normalize it, point to it being about control and then have an organic conversation based on their thoughts on the subject. As with all clients, loving them and thinking they are terrific creates the foundation that allows me to have such conversations with them.

Being smart is such a huge part of a lawyers’ identity that this can make creating a partnership somewhat tricky. Many lawyers are insecure about their intelligence. They feel that their value is largely based on how smart they are, and as such there is a constant evaluation of their own intelligence relative to others. So it is not surprising that clients often test or compete with the coach. It’s not deliberate or ill intentioned; rather it is just a default way of interacting. I find that this creates a great opportunity to address their beliefs about intelligence, value, and winning, among other fundamental principles. I introduce the concept that we all have

default tools that we use to “win” in the world, but those tools don’t actually serve us well in every situation. For example, being smarter than one’s spouse and always having the better argument in a fight is not the road to a happy marriage.

Sometimes other tools and approaches work better than intelligence and logic.

It’s hard to get someone to put aside, even temporarily, a strategy that has worked well for them in the past. Being smarter and “righter” than everyone else was a highly effective strategy in college, in law school, and as an associate. I have found that the only way people will put aside something that has worked so well is to get painfully clear about how much harm it is doing now. Consider Joe*, who came to me originally because he was having trouble retaining clients. Joe had an impressive background. He had an Ivy League education, worked at a top law firm, and was fortunate enough to work in a highly specialized area of law. Consequently, Joe was able to find clients remarkably easily; but after they worked with him for a year or two they tended to leave. He was mystified and wanted me to help him fix this situation. Joe was the typical know-it-all. He came to me for answers and didn’t like the fact that I kept asking him questions. To the degree that I did give him answers, he didn’t like those either. He kept telling me what was wrong with my coaching. Needless to say, it was easy to understand why his clients were leaving him. I’m pretty sure he wouldn’t have continued if he hadn’t paid for the six months of coaching up front and if his managing partner hadn’t been asking him periodically how the coaching was going.

I addressed how he was relating to me head on. I told him that as his coach, I was fine with him exactly as he was, and that I could see his commitment to truth, honesty and excellence. I also said that in the interest of him understanding better how others may be feeling, I would share what my experience when he spoke in that tone and used that language. I said that I felt demeaned, disrespected, and angry, and that if his clients felt this way it made sense that they would be leaving. As with most people, he resisted the pain of understanding how much he was hurting the people around him, but after a little while he was able to see it. I think a lot of

coaches let up and don't push clients to feel the pain they are causing others, since it is so uncomfortable. However, I know from experience that this is often a critical turning point that can motivate significant behavioral change, so I make sure they feel it rather than just seeing it intellectually. After a while, Joe was able to see how his know it all attitude was affecting his marriage and his relationships with his family as well as his work. By the end of that session the seriousness of it had started to sink in and we were on our way to a productive coaching engagement.

If you haven't coached many lawyers, you should certainly give it a try. There are numerous charming, witty and fun lawyers out there who could use support in their lives and their law practices. Furthermore, many are in positions of influence, and thus, helping them can have wide reverberations within society.

* Names and other details have been changed to protect client identities.